

## OFFICIAL COMMUNITY MEETING REPORT

**Petitioner: LIV Development, LLC**

Rezoning Petition No. 2018-143

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to the provisions of the City of Charlotte Zoning Ordinance.

### **PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:**

A representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on December 20, 2018. A copy of the written notice is attached hereto as Exhibit B.

### **DATE, TIME AND LOCATION OF MEETING:**

The Community Meeting was held on Thursday, January 3rd at 6:00 p.m. at the Holiday Inn Express & Suites, 6020 University Pointe Boulevard, Charlotte, NC 28262.

### **PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):**

The Community Meeting was attended by those individuals identified on the sign-in sheet attached hereto as Exhibit C. The Petitioner was represented at the Community Meeting by Andrew Murray and by Petitioner's agent Brittany Lins with K&L Gates LLP. Council member Greg Phipps was also in attendance.

### **SUMMARY OF PRESENTATION/DISCUSSION:**

The Petitioner's agent, Brittany Lins, welcomed the attendees and used a PowerPoint presentation attached hereto as Exhibit D.

Since the meeting had only a few attendees, Ms. Lins opted for relaxed dialogue rather than utilizing a formal presentation format. During these discussions, Ms. Lins explained that the Petitioner is seeking a rezoning to accommodate the development of a transit-oriented multi-family residential community with an amenity area. The site, which is comprised of two parcels totaling approximately 8.5 acres on the east side of North Tryon Street, is approximately 0.2 miles from the Tom Hunter Lightrail station.

The site is currently zoned B-2 (business), which allows for many by-right uses, including motels, car washes, tattoo parlors, auto garages, and adult establishments. The City Council-adopted area plan recommends transit-supported uses at the site and recognizes it as part of the growth corridor. Ms. Lins stated that the Petitioner's proposed residential community is in alignment with the area plan recommendations.

Ms. Lins displayed the site-specific conditional zoning plan which currently proposes several multi-family buildings with an internal street connection. Ms. Lins explained that the Petitioner's goal was to orient the buildings closer to the street and Lightrail in an effort to be sensitive to the adjacent single-family residents on the eastern side of the site.

Mr. Andrew Murray showed a conceptual example from another site designed by the Petitioner in order to demonstrate the design intent. He stated that the Petitioner is committing to high quality building materials, such as brick, and intends to vary the materials and dimensions of the building for better aesthetics. Amenities could include a clubhouse pool, dog par and greenspace. Mr. Murray explained that the Petitioner has developed several other projects in the Charlotte area, including Huntersville, Cornelius, and the Palisades.

A resident of Kemp Street (adjacent to the site) was concerned with the removal of trees at the property line and requested that the Petitioner look into providing fencing on the site's eastern property line adjacent to single family homes. Mr. Murray said the Petitioner was open to discussing fencing options and would be in favor of a fence too. Ms. Lins explained that trees in the buffer area would remain undisturbed.

One attendee commented that he likes the Petitioner's proposal for buildings to be pushed closer to Tryon Street and believes the proposed plan is a good fit for the area. The attendee commented that he would like to see an urban design and interactive street front with stoops.

Councilmember Phipps provided concern regarding the building on the opposite side of the internal street and inquired into the Petitioner's plans to make that building feel contiguous to the rest of the development. The Petitioner's team said they would look into the site design and work on integrating it better. Mr. Phipps also stated that he would prefer to see less parking for residential developments generally.

The meeting concluded at approximately 6:45 p.m.

Respectfully submitted, this 14th day of January, 2019.

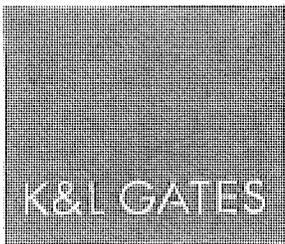
cc: Sonja S. Sanders, Charlotte-Mecklenburg Planning Department

# Exhibit A

2018-143	TAXPID	OWNERLASTN	OWNERFIRST	COWNERFIRS	COWNERLAST	MAILADDR1	MAILADDR2	CITY	STATE	ZIPCODE
2018-143	04908101	XGC LLC				4710 EMORY LN		CHARLOTTE	NC	28211
2018-143	04908102	ELIAS INC				6001 FARM POND LN		CHARLOTTE	NC	28212
2018-143	04908103	JSK INVESTMENTS COMPANY LLC				125 BISCAYNE AVE		TAMPA	FL	33606
2018-143	04908107	COP SIS	CHRIS G		CHRISTINE K COP SIS	310 ROBINLYNN RD		MATTHEWS	NC	28105
2018-143	04908108	CARDINAL PROPERTY HOLDINGS LLC				13400 BROADWELL CT		HUNTERSVILLE	NC	28078
2018-143	04908109	UNITED STATES POSTAL	SERVICE			PO BOX 27495		GREENSBORO	NC	27495
2018-143	04908110	COP SIS	GEORGE C			4710 EMORY LN		CHARLOTTE	NC	28211
2018-143	04908319	HILL	ROBERT MICHAEL	ELAINE M	HILL	6639 KEMP ST		CHARLOTTE	NC	28213
2018-143	04908320	LITAKER	GREGORY L	CHRISTINE S	LITAKER	6641 KEMP ST		CHARLOTTE	NC	28213
2018-143	04908321	GRISHAM	MAKENZIE			6647 KEMP ST		CHARLOTTE	NC	28213
2018-143	04908322	CORLEY	JASON R	REBECCA D	CORLEY	6707 KEMP ST		CHARLOTTE	NC	28213
2018-143	04908323	GEYER	JENNIFER N			6715 KEMP ST		CHARLOTTE	NC	28213
2018-143	04908324	JSK INVESTMENTS COMPANY LLC				125 BISCAYNE AVE		TAMPA	FL	33606
2018-143	04908325	JSK INVESTMENTS COMPANY LLC				125 BISCAYNE AVE		TAMPA	FL	33606
2018-143	04908326	FOX	KIRSTEN L (TRUST)	BRIAN D L/T	FOX	2637 SHADY REACH LN		CHARLOTTE	NC	28214
2018-143	04908327	MORRIS	JOE H			6743 KEMP ST		CHARLOTTE	NC	28213
2018-143	04908328	WILLIAMS	KEIARWN JOY			6749 KEMP ST		CHARLOTTE	NC	28213
2018-143	04908329	PACE	ERNEST JACKSON	DORA L	PACE	6801 KEMP ST		CHARLOTTE	NC	28213
2018-143	04908330	COP SIS	GEORGE C	HARRIET G	COP SIS	4710 EMORY LN		CHARLOTTE	NC	28211
2018-143	04911201	TOBACCO TAGS LIMITED PARTNERSH	IP			8001 NORTH TRYON STREET		CHARLOTTE	NC	28262
2018-143	04911202	TOBACCO TAGS LIMITED	PARTNERSHIP			6161 MACDANIEL LN		CHARLOTTE	NC	28217
2018-143	04911203	PRINCE	RUTH H			6708 KEMP ST		CHARLOTTE	NC	28213
2018-143	04911204	PRINCE	STEPHEN H.	ROBIN JORDAN	PRINCE	6718 KEMP ST		CHARLOTTE	NC	28213
2018-143	04911205	BAUCOM	DAVID			211 FEATHERSTONE DR		CHARLOTTE	NC	28213
2018-143	04911206	KSOR	WI			6700 KEMP ST		CHARLOTTE	NC	28213
2018-143	04911207	BRYANT	FLORENCE B		(REVOCABLE TRUST)	8919 PARK RD APT 209		CHARLOTTE	NC	28210
2018-143	04911301	HANNAN	JON BENNETT	SALLY HANNAN	JOHNSON	3148 PENDLETON AVE		CHARLOTTE	NC	28210
2018-143	04911302	HANNAN	JON BENNETT	SALLY HANNAN	JOHNSON	3148 PENDLETON AVE		CHARLOTTE	NC	28210
2018-143	08917245	FIRST CITIZENS BANK	& TRUST COMPANY DACSO			PO BOX 27131		RALEIGH	NC	27611
2018-143	08917299	DEVITA INVESTMENTS INC				13860 BALLANTYNE CORPORATE PL,UNIT 120		CHARLOTTE	NC	28277
2018-143	08925197	SIMMCO LLC				PO BOX 30864		SEA ISLAND	GA	31561
2018-143	08925401	WYNNYCKYJ	STEVEN			485-B COSTA MESA TERRACE		SUNNYVALE	CA	94085
2018-143	08925402	ORCHARD TRACE PROPERTY HOLDINGS LLC				833 EAST BLVD		CHARLOTTE	NC	28203
2018-143	08925403	RAMIREZ	ALVARO			105 LEXINGTON AVENUE, APT 11A		NEW YORK	NY	10016
2018-143	08925404	FIRST CAROLINA INVESTMENT GROUP LLC				1001 E. W T HARRIS BLVD #280		CHARLOTTE	NC	28213
2018-143	08925405	RAMIREZ	ALVARO			105 LEXINGTON AVE APT 11A		NEW YORK	NY	10016
2018-143	08925406	BUFFALO RIVER REALTY LLC				PO BOX 471472		CHARLOTTE	NC	28247
2018-143	08925407	RAMIREZ	ALVARO			105 LEXINGTON AVE APT 11A		NEW YORK	NY	10016
2018-143	08925408	WYNNYCKYJ	STEVEN			485-B COSTA MESA TR		SUNNYVALE	CA	94085
2018-143	08925409	CHIEVER	BARBARA			216-1 ORCHARD TRACE LN		CHARLOTTE	NC	28213
2018-143	08925410	JAX PROPERTIES LLC				7135 E WT HARRIS BV		CHARLOTTE	NC	28227
2018-143	08925411	VIOLA	PETER			65 LINCOLN BLVD APT D4		LONG BEACH	NY	11516
2018-143	08925412	INGRAM	TIMOTHY A			216 ORCHARD TRACE LN APT 5		CHARLOTTE	NC	28213
2018-143	08925413	RAMIREZ	ALVARO			105 LEXINGTON AVE APT 10A		NEW YORK	NY	10016
2018-143	08925414	MARCHESE	RODDLOFO			216-7 ORCHARD TRACE LN		CHARLOTTE	NC	28213
2018-143	08925415	RAMIREZ	ALVARO			105 LEXINGTON AVE APT 11A		NEW YORK	NY	10016
2018-143	08925421	UNIVERSITY CITY COMMUNITY LLC				6101 CARNEGIE BLVD STE 103		CHARLOTTE	NC	28209
2018-143	08925422	UNIVERSITY CITY COMMUNITY LLC				6101 CARNEGIE BLVD STE 103		CHARLOTTE	NC	28209
2018-143	08925499	ORCHARD TRACE OWNERS ASSOCIATION				325 ORCHARD TRACE LN		CHARLOTTE	NC	28213

2018-143	ORGANIZATI	FIRST_NAME	LAST_NAME	STREET_ADD	UNIT_NUM	CITY	STATE	ZIP
2018-143	Autumnwood Community Association	John	Nelson	1016 Autumnwood Ln		Charlotte	NC	28213
2018-143	Autumnwood Community Association	Joyce	Upchurch	6501 Stonehill Ct		Charlotte	NC	28213
2018-143	Chastain HOA	Laura	Griggs	526 Owen Bv		Charlotte	NC	28213
2018-143	Crab Orchard Neighborhood Association	Challise	Cantleberry	736 Brooke Nicole Place		Charlotte	NC	28213
2018-143	Forest Glen Neighborhood	Katherine	Olson	7515 Batavia Ln		Charlotte	NC	28213
2018-143	Hidden Valley Community Association	Jeff	Hopkins	229 Austin Dr		Charlotte	NC	28213
2018-143	Hidden Valley Community Development Corporation	Odell	Witherspoon	6601 Heatherbrooke Av		Charlotte	NC	28213
2018-143	Hidden Valley Community Homeowners Association	Doris	Edwards	1224 Kirt Ct		Charlotte	NC	28213
2018-143	Hidden Valley Community Homeowners Association	Sandra	Jackson	6409 Hidden Forest Dr		Charlotte	NC	28213
2018-143	Hidden Valley Political Action Committee	Samuel	Love	6417 Heatherbrooke Av		Charlotte	NC	28213
2018-143	Hidden Valley Zoning Committee	Priscilla	Duncan	6423 Heatherbrooke Av		Charlotte	NC	28213
2018-143	Huntingtowne Farms Neighborhood Association	Ashlynn	Kelker	6342 Elgywood Ln		Charlotte	NC	28213
2018-143	Meadowbrook Neighborhood Watch Association	Najeedah	Stover	6208 Donna Dr		Charlotte	NC	28213
2018-143	Orchard Trace Condominiums	Mollie	Masten	325 Orchard Trace Lane		Charlotte	NC	28213
2018-143	Orchard Trace Condominiums	Regina	Flores	325 Orchard Trace Lane		Charlotte	NC	28213
2018-143	Sugar Springs HOA	Sandra C.	Haynes	925 Doby Springs Dr		Charlotte	NC	28262

# **Exhibit B**



Collin W. Brown  
collin.brown@klgates.com

December 20, 2018

T +1 704 331 7531  
F +1 704 331 7598

**NOTICE TO INTERESTED PARTIES OF COMMUNITY MEETING**

**Date:** Thursday, January 3, 2019 at 6:00 p.m.  
**Location:** Holiday Inn Express & Suites  
6020 University Pointe Blvd.  
Charlotte, NC 28262  
**Petitioner:** LIV Development, LLC  
**Petition No.:** 2018-143

Dear Charlotte Resident,

We represent LIV Development, LLC (the "Petitioner") in its plans to redevelop an approximately 8.5-acre property located on the east side of N. Tryon St, across from Orchard Trace Ln, south of Sandy Ave. (the "Property"). The Petitioner requests a rezoning from the Property's business and residential (B-2 and R-3) zoning districts to a Transit Oriented Mixed-Use (TOD-MO) zoning district to accommodate a residential community with amenity space.

In accordance with the requirements of the City of Charlotte Zoning Ordinance, the Petitioner will hold a Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Charlotte-Mecklenburg Planning Commission's records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the Property.

Accordingly, on behalf of the Petitioner, we invite you to attend the Official Community Meeting regarding this Petition on **Thursday, January 3, 2019 at 6:00 p.m.** to meet with the Petitioner and its design and development team. We will give a brief overview of the redevelopment concept and then provide an opportunity for you to meet and talk with individuals that are involved in planning the project.

Please contact me if you are unable to attend and would like additional information.

Very truly yours,

Collin W. Brown

cc: Sonja S. Sanders, Charlotte-Mecklenburg Planning Staff  
Greg Phipps, Charlotte City Council District 4

# **Exhibit C**



# **Exhibit D**

The logo for K&L GATES, featuring the company name in white, uppercase letters on an orange rectangular background.

K&L GATES

A decorative background featuring a bokeh effect of light blue and white circular spots on a darker blue background, positioned behind the title text.

Official Community Meeting

Rezoning Petition No. 2018-143  
LIV Development, LLC

January 3, 2019

# AGENDA

- Introductions
- Property Location
- Development Considerations
- Current Zoning
- Adopted Land Use Area Plan
- Proposed Rezoning
- Conceptual Examples
- Rezoning Timeline
- Questions/Discussion



Petitioner: LIV Development, LLC



Andrew Murray



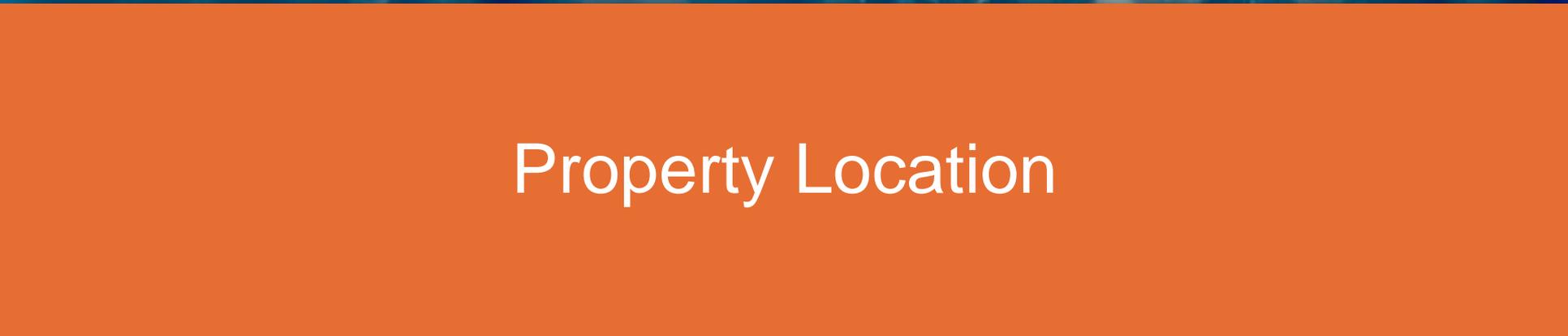
Jim Guyton & Thomas Haapapuro

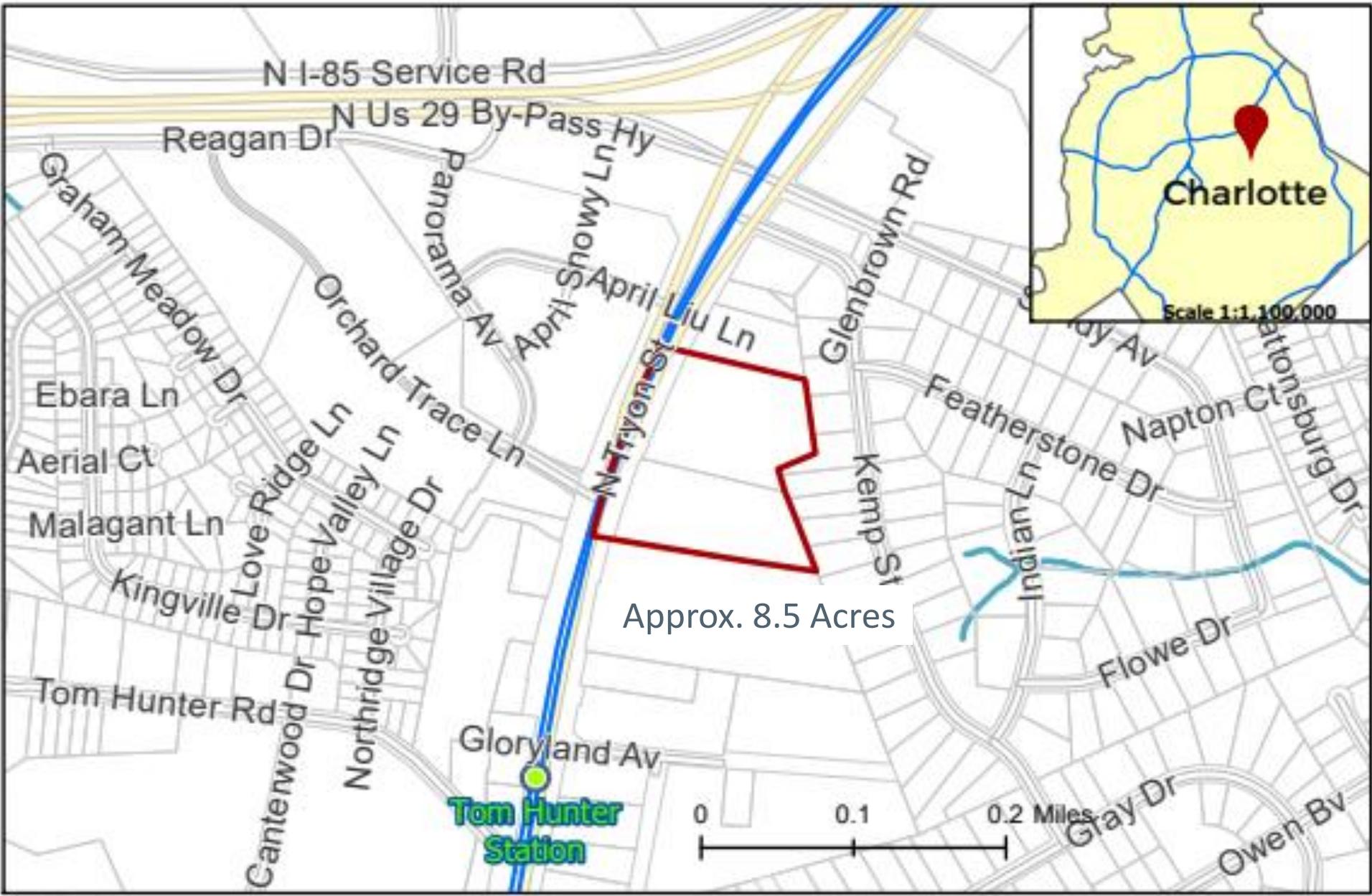


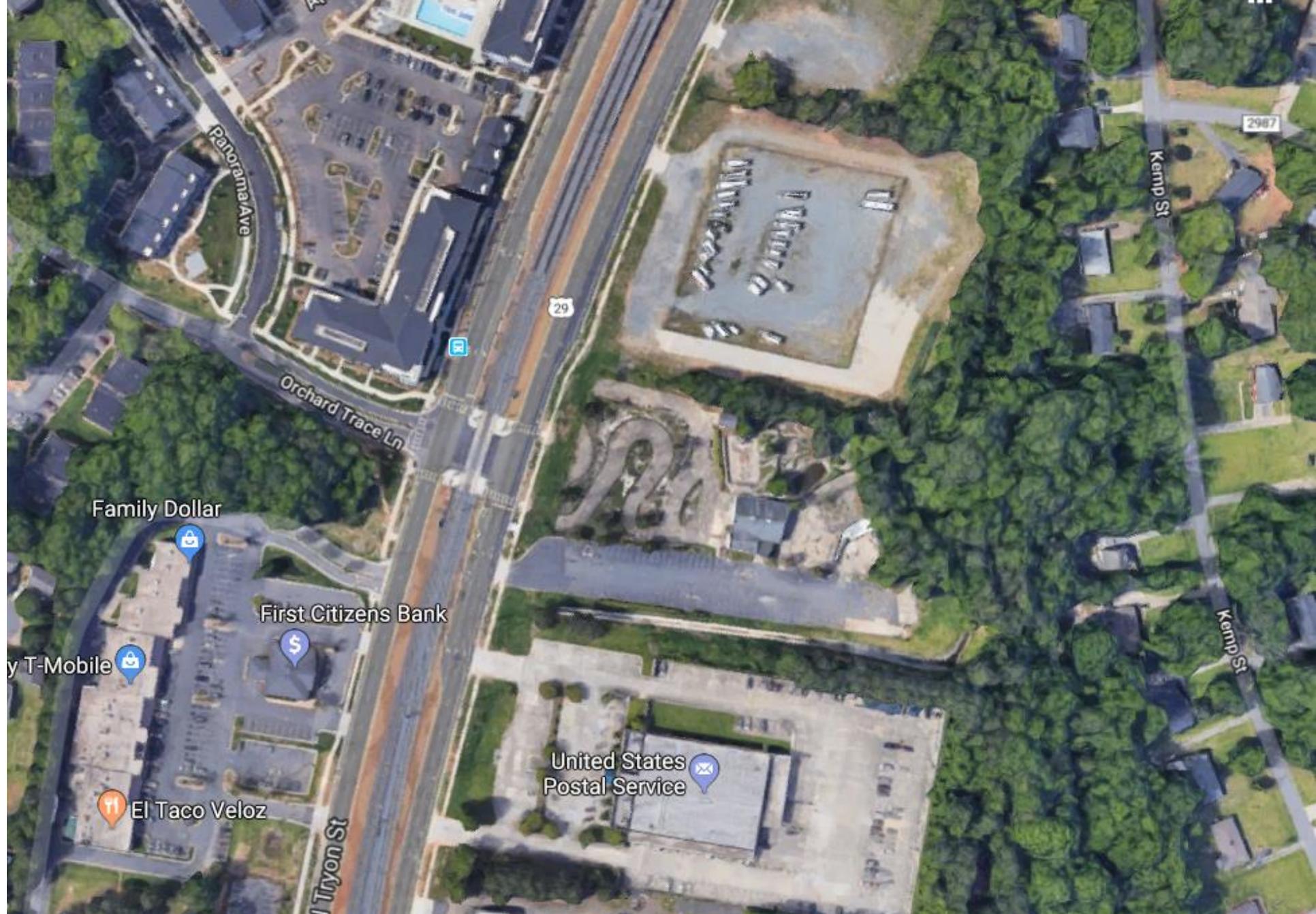
Collin Brown & Brittany Lins



# Property Location







Family Dollar

First Citizens Bank

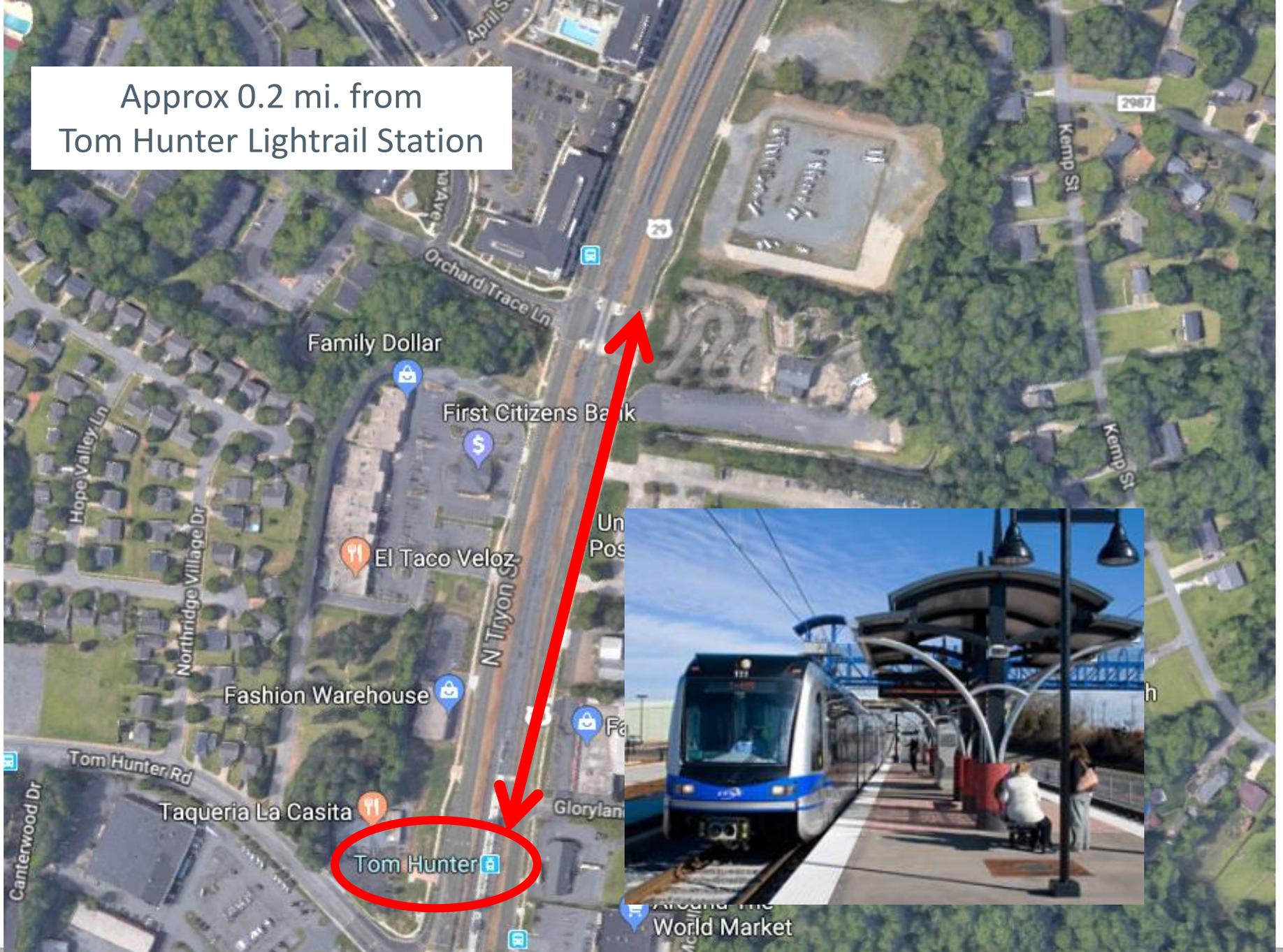
United States  
Postal Service

El Taco Veloz



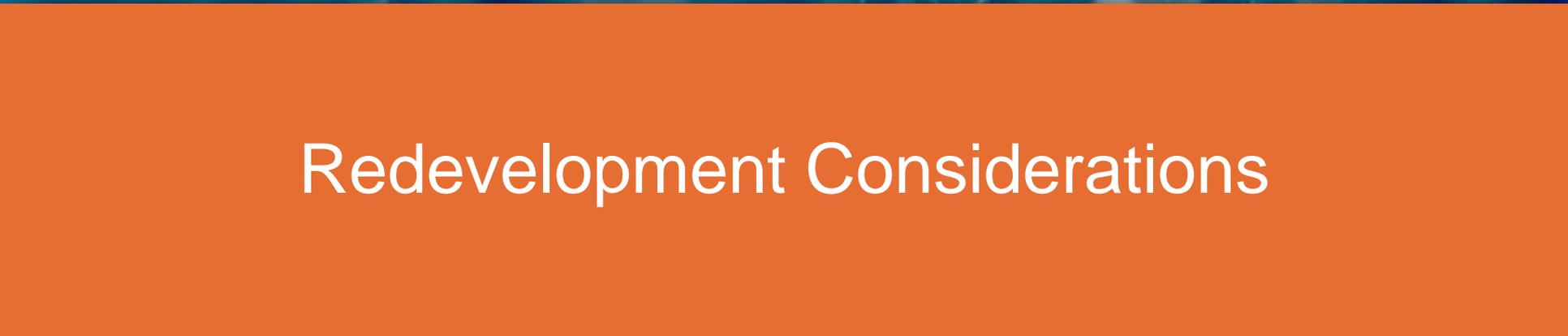


Approx 0.2 mi. from  
Tom Hunter Lightrail Station





# Redevelopment Considerations



# DEVELOPMENT CONSIDERATIONS

- Property Owner Requirements
- Existing Zoning
- Natural / Environmental Constraints
- Access / Transportation Requirements
- Adjacent / Transportation Requirements
- Adjacent Owner Concerns
- Ordinance / Policy Requirement (non-zoning)
- Adopted Area Plans
- City Priorities
- Adjacent Uses
- Community Concerns
- Market Realities



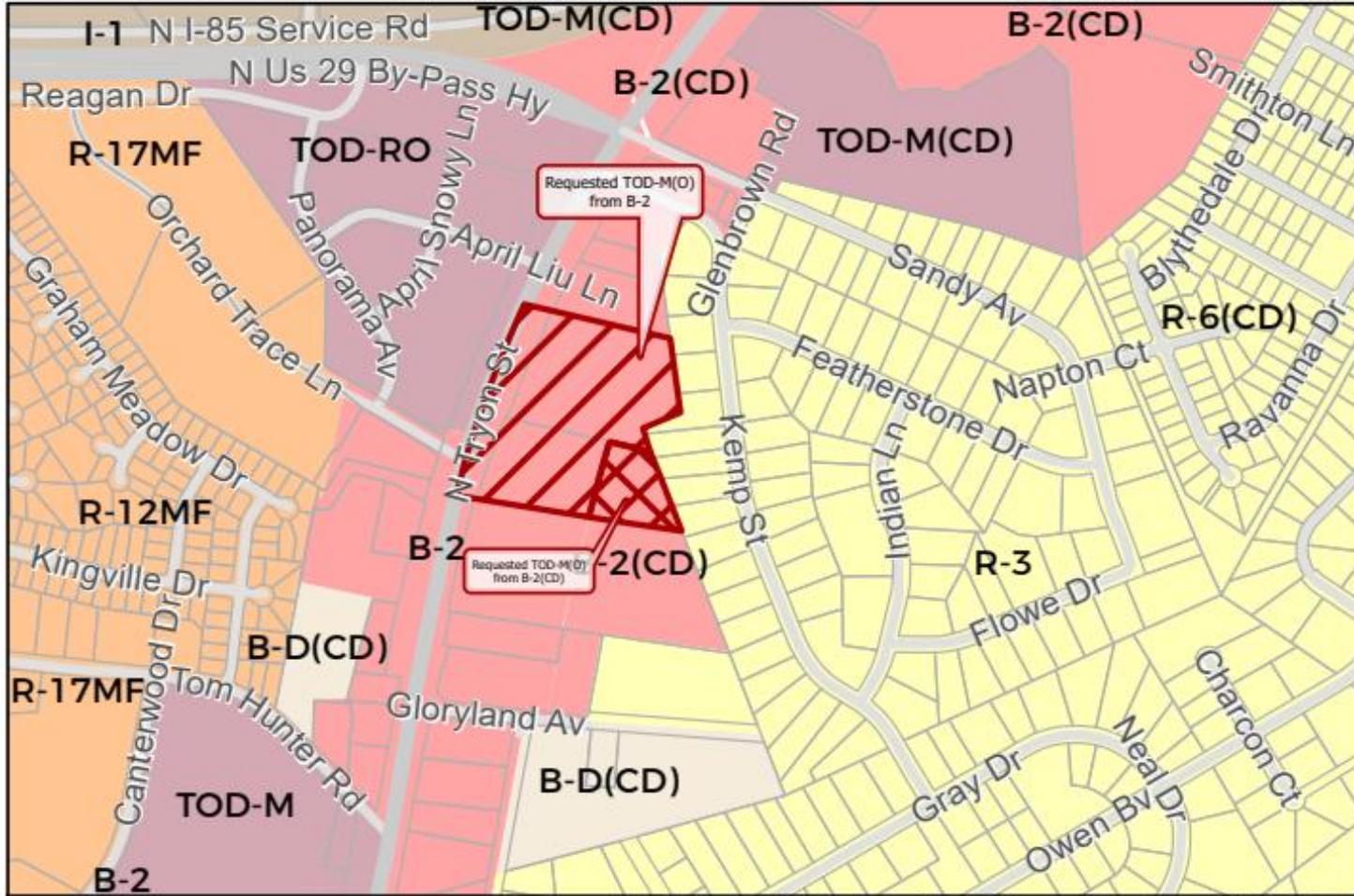


# Current Zoning



# CURRENT ZONING: B-2

## Existing Zoning & Rezoning Request



-  Requested TOD-M(O) from B-2
-  Requested TOD-M(O) from B-2(CD)

### Zoning Classification

-  Single Family
-  Multi-Family
-  Business
-  Business-Distribution
-  Light Industrial
-  Transit-Oriented

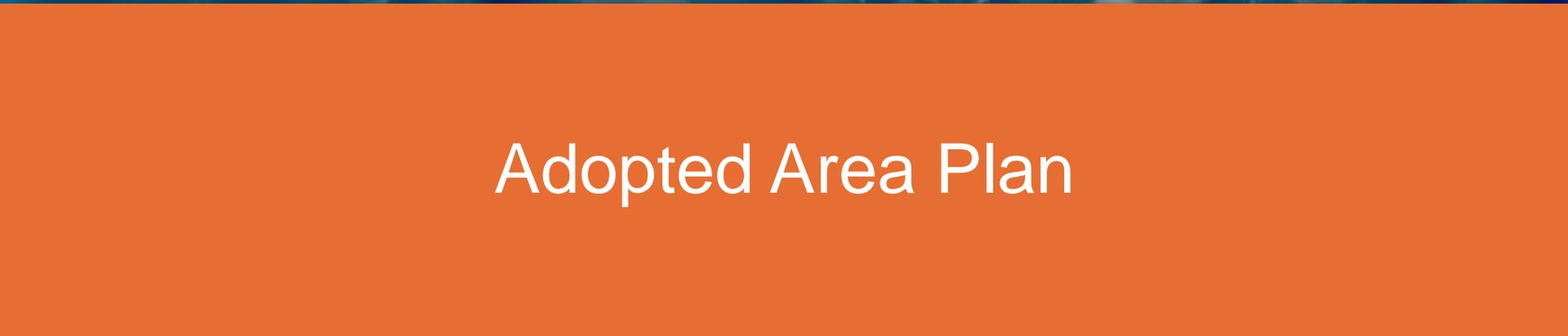


## B-2 ZONING ALLOWS...

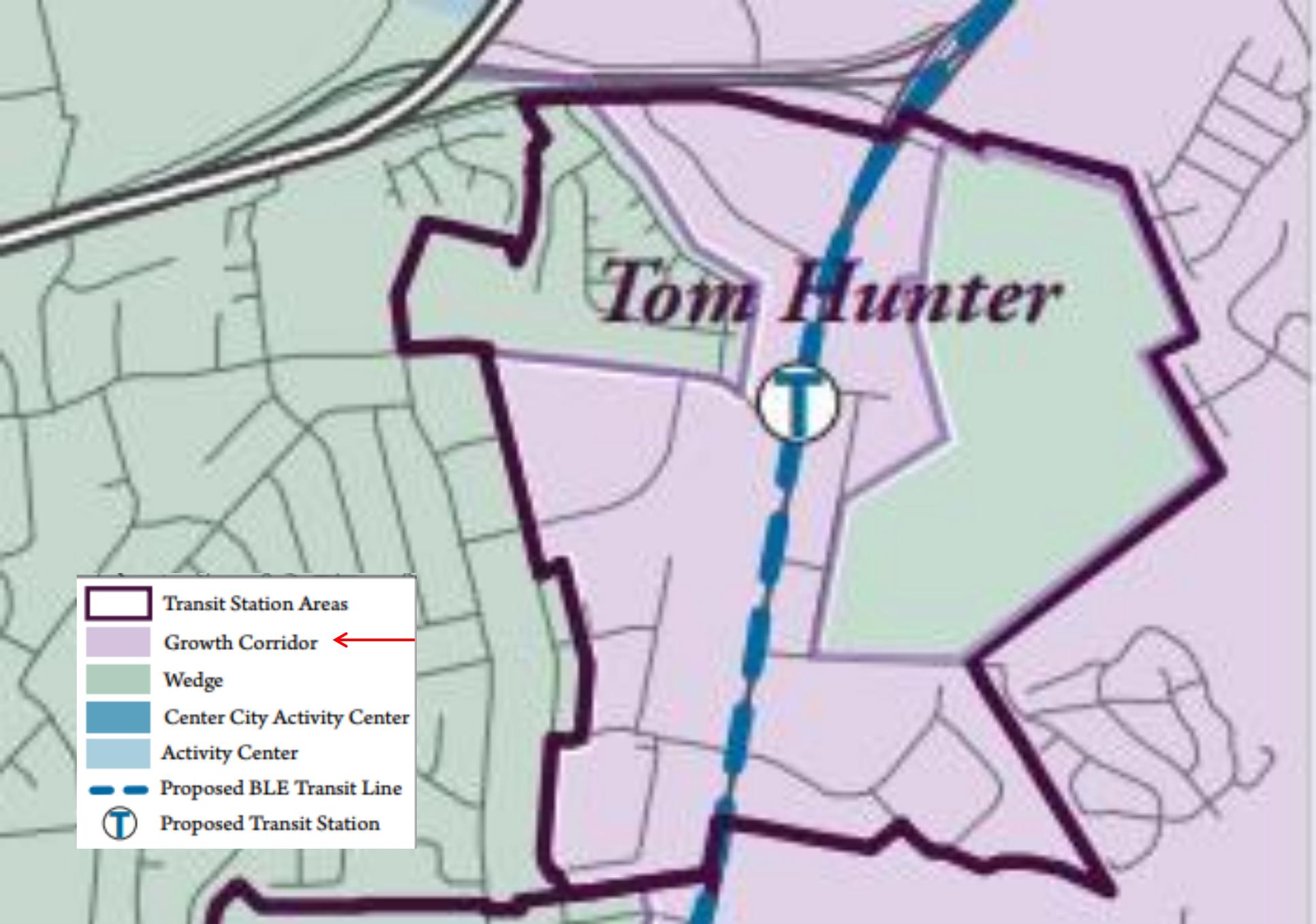
- Commercial amusement
- Truck and trailer rentals
- Auto repair garages
- Tattoo parlors
- Adult Establishments
- Motels
- Car Washes
- Jails & prisons
- Cemeteries, funeral homes, crematory facilities
- Mobile home sales/repairs
- Landfills
- Multi-family and attached dwellings, up to 12 units per building (or greater if mixed use)



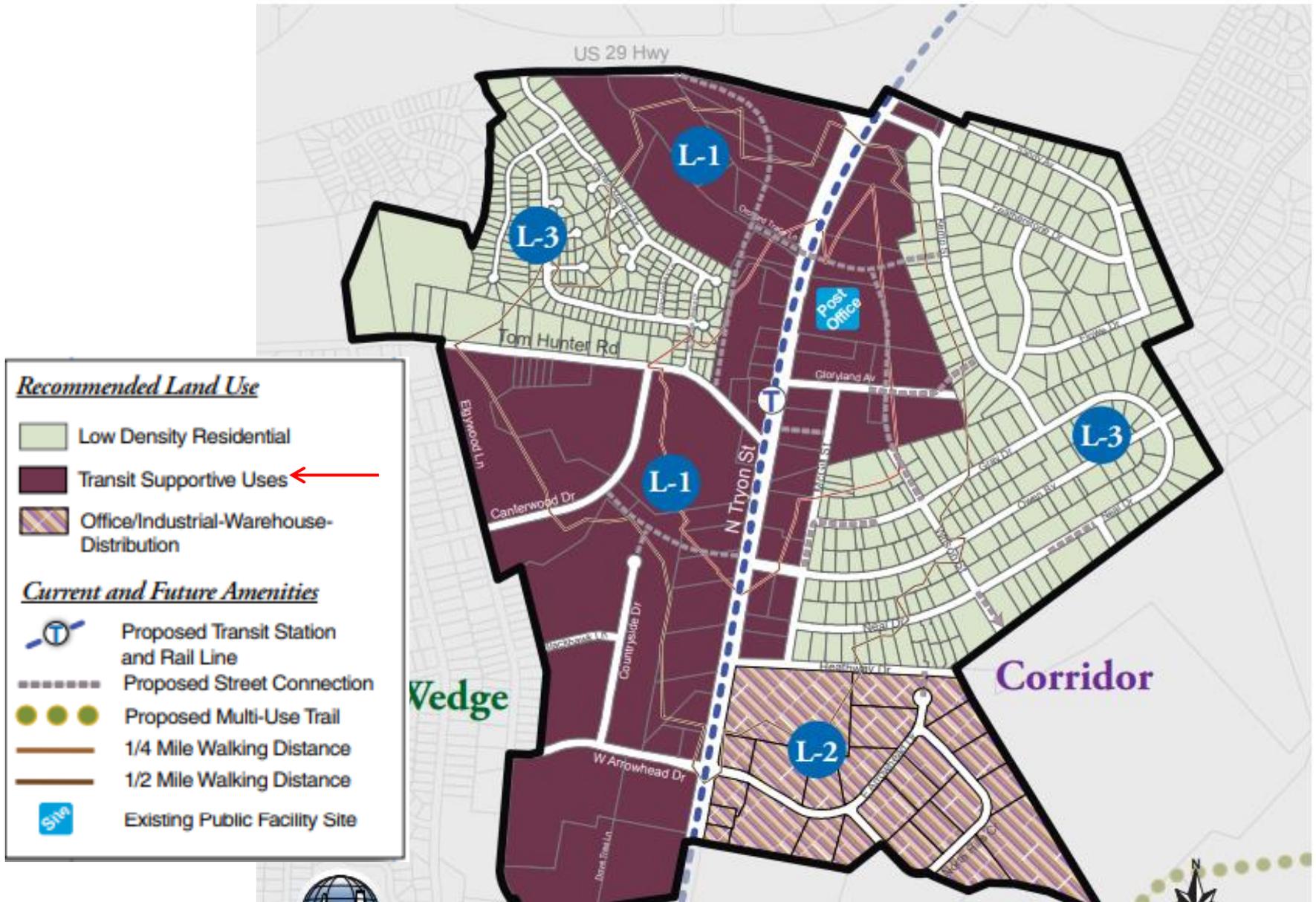
# Adopted Area Plan







- Transit Station Areas
- Growth Corridor
- Wedge
- Center City Activity Center
- Activity Center
- Proposed BLE Transit Line
- Proposed Transit Station





# Conditional Zoning



## How to identify Conditional Rezoning:

Conventional	Conditional
O-1	O-1(CD)*
TOD-M	TOD-MO**
	B-2(CD) SPA*
	NS, CC, RE-3, MX*

\* Commits to standards that go beyond the base zoning ordinance requirements and are specific for each petition.

\*\* Reduces or eliminates the base zoning ordinance standards, AND typically commits to other standards that go beyond the base zoning ordinance requirements. Also specific for each petition.



# Proposed Rezoning Plan



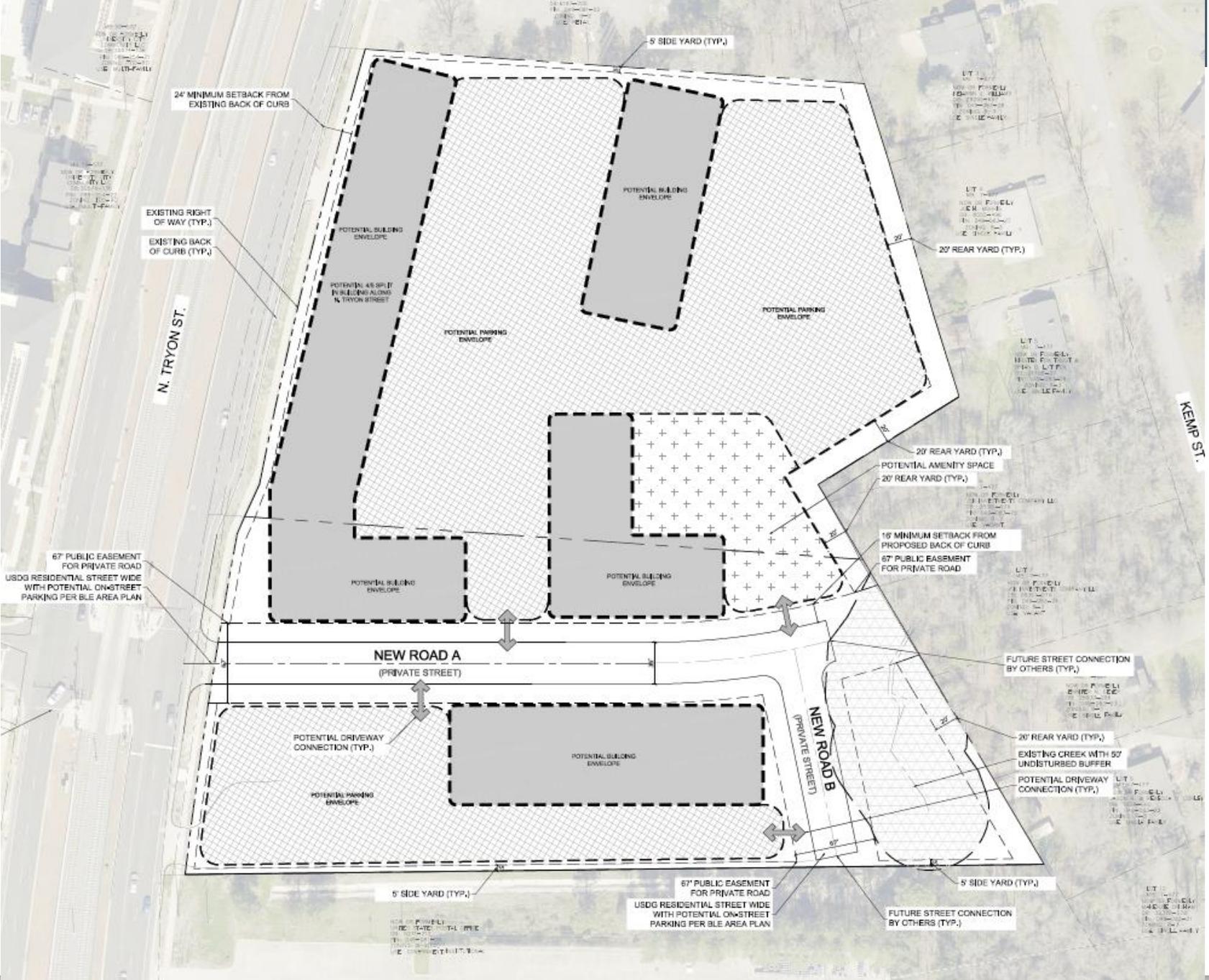
# PROPOSED ZONING DISTRICT: TOD-M

## PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

### Section 9.1201 Purpose.

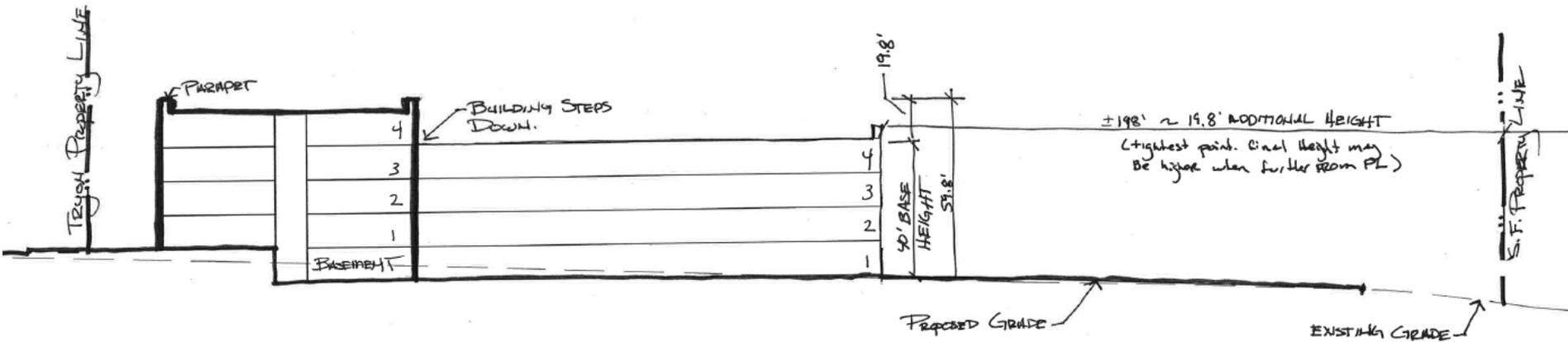
The purpose of the Transit Oriented Development (TOD) zoning districts is to create a compact, and high intensity mix of residential, office, retail, institutional, and civic uses to promote the creation and retention of uses in areas with high potential for enhanced transit and pedestrian activity. Pedestrian circulation and transit access are especially important and have an increased emphasis in the TOD zoning districts. The development standards are designed to require compact urban growth, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking.

These zoning districts are meant to create high density transit supportive development around transit stations, typically the area within one-half (1/2) mile walking distance from the transit station, which represents a 10-minute walk.



# Height Study

$$198' / 10' = 19.8'$$
$$40' + 19.8' = 59.8'$$





# Conceptual Example







# Rezoning Timeline



# **BEST SCENARIO**

**Public Hearing: February 18, 2019**

**Zoning Committee Meeting: March 5, 2019**

**City Council Decision: March 18, 2019**

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Questions?



K&L GATES